

JAN 05 2006

ATTORNEY DOCKET NO. 03224.0003U1  
APPLICATION NO. 10/611,360**REMARKS**

Claims 1, 4, 8-9, 13-14, 18-20, 23, 27-28, 32-33, 37-39, 42, 46-47, 51-52, and 56-57 are rejected under 35 U.S.C. §103(a) as being obvious over U.S.P.N. 6,219,355 to Brodigan (hereinafter "Brodigan") in view of U.S.P.N. 6,757,907 to Schumacher (hereinafter "Schumacher"). Claims 2-3, 5, 10-12, 21-22, 24, 29-31, 40-41, 43, and 48-50 stand rejected under 35 U.S.C. §103(a) as being obvious over Brodigan in view of Schumacher and further in view of U.S. Patent App. Pub. No. US 2005/0044166 to Colville (hereinafter "Colville").

The Applicants sincerely appreciate the time spent by Examiner Bayard during a telephonic interview conducted on December 30, 2005 (hereinafter "Interview"). The Interview proved to be very helpful in resolving issues with respect to the pending claims. Specifically, the second and third distinct networks connecting a server to a content library were discussed. To expedite examination of the Application in view of the Interview, the Applicants have amended the independent claims to recite second and third distinct networks where the second network carries a request for content *upstream from a content server to a content library*, and where the third network carries content *downstream from the content library to the content server*. Accordingly, in light of the Remarks and the claims, the Applicants respectfully request reconsideration and allowance of the pending claims.

**Rejections under 35 U.S.C. §103(a)**

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 493 (Fed. Cir. 1991).

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APPLICATION NO. 10/611,360**Independent Claims 1, 20, and 39**

The Examiner rejects the independent claims of claims 1, 20, and 39 as obvious over Brodigan in view of Schumacher. In view of the Interview, the Applicants have amended the independent claims, with claim 1 as amended reciting in relevant part:

A method for handling content request and delivery, comprising the steps of:

...  
sending the request for content upstream from a content server to a content library over a second network;  
receiving content retrieved from the content library, based on the request, and sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network; and ...

The amendment has support in the Application as-filed, for example, in Figure 2 and pages 8, lines 13-14. The Applicants respectfully assert that none of the cited references disclose second and third distinct networks with the second network carrying the request for content upstream *from the content server to the content library*, and with the third network carrying the requested content downstream *from the content library to the content server*, as recited in claim 1. A similar amendment has also been made to independent claims 20 and 39. Therefore, the Applicants respectfully assert that independent claims 1, 20, and 39 are allowable over the cited references.

**Dependent Claims 2-19, 21-38, and 40-57**

The dependent claims of claims 2-19, 21-38, and 40-57 stand rejected as obvious over various combinations of Brodigan, Schumacher, and Colville. In view of the amendments and Remarks, the Applicants respectfully assert that dependent claims 2-19, 21-38, and 40-57 are allowable over the cited references for at least the reason that each depends directly or indirectly from an allowable independent claim.

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APPLICATION NO. 10/611,360****CONCLUSION**

In view of the amendments and Remarks, each of the presently pending claims in the Application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass the application to issue. If the Examiner believes discussion of any issue would expedite examination, the Examiner is encouraged to telephone the Applicants' undersigned representative. No additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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